2:Seligman & Seligman E-5 (1909-1910) 1932
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The omissions from the "in-law" category are equally important from the woman's point of view. She does not call her husband's parents *ora*, but addresses them as though they were her own grandparents; she treats them with respect, kneels when she hands anything to her father-in-law, and turns her head away when she speaks, but there is no strict avoidance. One of our married informants had his mother living with him; she had a separate hut in his enclosure, but she and his wife could eat together if they wished.

A man calls his son's wife *kwaro*, grandchild; she falls into the category of wives of a clansman with whom sexual intercourse is inadmissable, and no doubt the ceremonial behaviour observed between grandchildren and grandparents is also followed between a man and his son's wife. It has been noted before that a woman uses terms to her husband's relatives that she would use to her own relatives of a generation older, and the custom of consorting with the husband's son and being inherited by him has been suggested as a reason for this.

We have seen that there are certain other women who are treated in the same ceremonial manner as are the *ora*; these are wives of relatives, some, but not all, of whom are clansmen (see p. 61). These women fall into sharp contrast with those other women (wives of clansmen, the *wa* and the *awu*) with whom connection is permitted during the life of the husband and who may possibly be inherited after his death.

Young people are free to marry the partner of their choice so long as clan exogamy is observed and no genealogical relationship can be traced on the mother's side. Every Shilluk youth is interested in the marriage of his sister and of his father's sister's daughter, for he receives cattle from their bride-wealth and without cattle he cannot himself marry; it is true that his father and his father's sister will assist him to collect cattle for his bride-wealth, but how can they get these except from the marriage of their daughters? A father who used his cattle to marry extra wives while his own sons remained unmarried would be regarded generally with disfavour. The breaking of a marriage—divorce—means the return of cattle to the bridegroom, a difficult matter, as though the bride-wealth is paid to one man, the bride's father or brother, it is immediately distributed and may soon play its part in another's marriage. Thus a man has every reason to desire his sister's marriage to be stable. Yet, in the rules of behaviour that are customary between persons

2:Seligman & Seligman E-5 (1909-1910) 1932
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related by marriage, it is the bridegroom who pays special deference to his wife's relatives and not vice versa. A man may claim privileges from his sister's husband, and though he must make his demands politely they will not be denied. On the other hand, a man may show much zeal in doing services for his wife's relatives that are not absolutely necessary. It must be remembered that the "in-law" relationship begins early, as soon as betrothal negotiations are started; the prospective bridegroom is particularly anxious to please his future bride's relatives so that they in turn may influence her not to break off the engagement; indeed, the fear of losing the woman persists even after marriage. Should any of the cattle of the bride-wealth die the bride's relatives can claim that they should be replaced, and Hofmayr states that when cattle plague is prevalent marriages are frequently dissolved as the husband cannot make good the losses.[1] There are thus abundant reasons why the bridegroom should seek to keep on good terms with his wife's relatives and by his correct behaviour prevent the possibility of rupture. Mr. Heasty states that it is very rare for a husband to divorce his wife, it is usually the wife or her family who initiates the separation.

There are no special houses built for adolescent boys or girls. The former sleep in the cattle byres (*luak*). When there are several unmarried girls in a village any house may be given to them that happens to become vacant, and the girls will sleep there together; such a house will be called *ofwonun*. Their boy friends will come by night and call to them to join them. We do not know whether custom imposes any restrictions on their behaviour, nor whether only eligible boys are received, that is to say, those who are neither related by blood nor of the same clan, but we believe that this is the case, and it seems that such courtship usually leads to marriage.

Hofmayr states that the girls assume a tone of considerable hauteur; the meetings must take place outside the village and the parents must not be told, though they would not meddle in the affairs of the young people. He also states that the girl chooses whom she likes and that she usually breaks several engagements before finally accepting a suitor, this being considered no disgrace except when carried to excess. A girl who has had more than ten lovers is looked upon as *nya dhy cuen*, a fast woman. Betrothals may be arranged young, but it is doubtful whether marriage would be enforced if the girl preferred another youth when she had reached a marriageable age.

[1] *Op. cit.*, 293.

2:Seligman & Seligman E-5 (1909-1910) 1932
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The *diek num* consists of any number of sheep, from seven upwards, and these are taken by the bride's brother (*umia*). If the bride has no full brother they are divided amongst her *uwa*, her father's brother's sons, and after them her *uwa* who are her clansmen. 583

The *jam num* consists of four hoes, two fish spears, four spears (two large and two small), a basketful of tobacco and a bundle of firewood. The *jam num* is kept by the parents and is not shared with other relatives.

In times of stress, as during the *mahdia* or when cattle have been scarce for any other reason, whole or part of the bride-wealth may be deferred. The debt is not, however, cancelled; the husband may frequently wait until he receives bride-wealth for a daughter of the marriage, when he will give the original number of cattle agreed for his wife to her father or his next of kin.

If a married woman dies without leaving a child, the husband demands back the cattle of the bride-wealth from the father. If his wife leaves him he will demand both the sheep and the hoes and spears; the tobacco and fish are gone, so he will not ask for them, but if he were very angry he might even do that, though such behaviour would generally be despised. Yangjok, a chief of Tonga, stated in court that if a woman leaves her husband all the bride-wealth should be returned except one bullock, but if the wife is pregnant when she leaves the husband one cow and one bull are kept by her people. 586 ● [626]

It seems that, on the whole, divorce is amicably arranged, as a man usually only seeks divorce if his wife has left him for another man, in which case the latter would have to hand over bride-wealth to her father, who would return the original bride-wealth to the first husband. If, however, there were another daughter of suitable age the husband might take her. If a man should try to return his wife because she was barren a more difficult situation would arise.[1] Such a case would probably be taken before the *reth* and judgment might be given that all except two cows should be returned. Probably before the case came up the husband would have tried to steal the cows from his father-in-law. 586 587 586

A case was recorded of a girl who was betrothed as a child to a man who contracted venereal disease. One cow of the bride-wealth 584

[1] Hofmayr states that before deciding that a woman is barren the husband would let her cohabit with one of his *uwa*, and the *ajwogo* would also be called in to administer medicine (*op. cit.*, 276). [842]

2:Seligman & Seligman E-5 (1909-1910) 1932
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584 had been handed over. When she grew up her father wished to arrange another marriage for her, but was obliged to repay the cow.

586 Mr. Heasty sent the following information concerning the disposal of children after divorce. If the bride-wealth is not returned the children will remain with their father, but if it is returned—and this really constitutes divorce—the husband has to give up the children. The new husband who provides the bride-wealth will take the children and they will become members of his *kwa*. When such lads grow [593] up the true father will often entice them back; this is becoming a common practice, but was formerly confined to members of the *kwareth*.

848 The position of children born out of wedlock shows the same principle as is seen in the treatment of children after divorce, viz. the importance of the bride-wealth in establishing sociological fatherhood, physiological fatherhood having no legal importance. If a girl has one child before marriage the child belongs to the husband who provides the bride-wealth, which would be the same as if she had no child. But if she has two children then her father would keep them, they would be members of his *kwa* and he would accept less bride-wealth. This, however, seldom happens, as girls are usually betrothed as soon as they reach puberty.

684 The fine for adultery was said to be seven head of cattle—four cows and three bulls—but the number varied, and it may be supposed that the adultery fine would be less than the bride-wealth; three cows and one bull seem a usual fine. Mr. Heasty states that if a girl who is betrothed becomes pregnant by another man the lover will pay seven head of cattle to the father, but the child will belong to her future husband, who has provided the bride-wealth. Unconfessed adultery was said to cause the death of the child.

A fine is paid for seduction, but it seems that many cases that come up for judgment are really those in which a girl betrothed to another man willingly goes to a lover. It must then be decided whether the latter pays a fine or provides bride-wealth and marries the girl.

515 There is no objection to a man marrying two or more sisters, but, unless the second sister is taken in place of the first because the latter has proved barren, full bride-wealth must pass for each.

766 Hofmayr states that if a man of importance dies between the time
582 of betrothal and marriage a ceremony having as its object the provision

20. A Quarrel between Husband and Wife.

*539 *Jal mɛ̈kɔ e ɲwɔmɔ. Ka ɲan a ɟachɔ bɛ̈nɔ, e kāŋ pí; ka jal gni wɛ̈rɔ̀, kine: à, ga pi ŋɔ? Ya by kɛch. Ka ɲan a ɟachɔ ka kwɔ̈na wɔk. Ka gɛ ŋgnɔ, ka gɛ tōrɔ yi kɛch; chama ɲí butɔ fen, ka ɲiŋ báɲà mɛ̀jɔ̀ yi kɛch.*

*Ka gɛ kɛ̈dɔ bɛ̈ kɯgtɔ ki byɛ̈l, ka ɲan a ɟachɔ lōɲa wɔt (ɣɛt), e kāŋ gin cham. Ka gɛ bɛ̈nɔ, gɛ kātɔ byɛ̈l, ka gɛ pɛ̈ka pén; ɲan a ɟachɔ kúchè gɛ́n, ɲan a ɟachɔ pɑŋɔ ki ggre wɔt. Ká gɛ̀ ɲàmɔ̀, ka ɲí ko: á, ɟwà, chɛ (cha) dugń a wań mēyi (mɛ̄i), ɲwāl ɟnd! Ka gɔ ɲwāle. Ka gɛ yūjɔ ki byɛ̈l. Ka ɲan a ɟachɔ fɛ̈chɔ kine: ɲímla, a kɛ̈di? a ya re wa reɛ? Jal e ko: ɛ́ ɲawɔ-tyau! gɔń ɟɔga! Kine: kɛ̈pańɔ? Kine: chɛ́ re a wɛ̈kè ya kɛch? ko: ɛ́, faţe yín a kōbí awa kine: ga pi ŋɔ? Ka ɲal gni kɛ̈ta wɔk; ka wɔn chwɔ́l, ka e bɛ̈nɔ; e ko: á, pyeche ɲa wun, wɛ̈ke ya ɟɔga! kine: kɛ̈pańɔ? Kine: ɛ́, pyeche yau! A pyey ɲān gni, kine: ɲān! á kɛ̈dí? A kōp ɲate, cha wɛ̈kè yɛ ɟɔgɛ! Kine: ɛ́, kúchè yán! Ña tyau, tā kwɔ́p! Ya kɛ̈la pi awa; a kōbí kine: gɔn a pi ŋɔ? Kɛń gni anan; ɛ́na (ɣɛna) kɛ́dá. Kine: ŋɛ̄! A tōre yi kɛch, a kɛ̈ti gɛ bɛ̈ kwɛdle byɛ̈l, a kita gin cham wɔt, gɛ tɛ̈k. Faţe kɛń gni anan? a bɛ̈ní, a kōbí kine: ówà, cha dugń a wań byɛ̈lí! a ɲām gɛ́n, ɛ́nd kōbá, kine: yā nɛ̀n! A kōbí: ɲa tyau! gɔń ɟɔga! A kōba kine: bɛ́jh! na yín a kyɛt dwà, kine: ga pi ŋɔ? Faţe kɛń gni a bɛ̈n anan? A kɛ̈la gin cham; a yɛ̈dé. A kōbe wiy ɲán ɛ́ní: yi kwata kapańɔ? Adí? chōl byɛ́lá a kwāl yi yín! A kōbe kine: kɛ̈pańɔ? Yā dɛ, a wɛ̈ke ya kɛch! Yí cha (yá) kɯ́wa! ɟɔgi gɛ̈ɲa yin. A kɛ̈dɔ, a kɛ̈le wɔt, mɛn lɛ̈gɛ́, a lɛ̈gɛ́ lwɔge ɟrɛ̀, a ţumí kwɔp.

[515] A certain man had married a woman. One day his wife came and brought him
*539 water (to wash his hands, as is the custom before eating). But the man was
593 angry, and so he said: "What is that water for? I am not hungry." Thereupon
●586 the woman went outside, she too was cross. When they went to sleep, they were troubled by hunger (both having eaten nothing). The man tried to lie down, but his eyes refused to close on account of hunger.

[674] In order to get something to eat, the man with a friend (who lived in the same house) went to steal dura. But in the meantime the woman had prepared food and came into the house, after the men had gone. After some time they returned, bringing with them the stolen dura. They sat down in the house, but did not know that the woman too was there; she hid in a corner of the house. And the two men ate. They talked to each other: "Ah, brother, you have a thick ear of corn there, just let me touch it!" And he touched it. So they ate the corn from the ears. Suddenly the woman asked: "My brothers, how? Why do you bring such shame upon me (by stealing corn and not eating the food I have prepared)?" Then the man said: "You cursed woman, loosen my cattle."[1] She asked: "Why?" He said: "Why do you leave me hungry?" She

[1] This is the formula for: "I will be divorced from you." Loosen the cattle (give back the cattle) which I have paid your father for you.

3:Westermann E-5 (1910) 1912 FJ23 Shilluk FJ23

replied: "Not so! did you not say yesterday: what is the water for?" The man went out, he called his wife's father. When the father came, he said to him: "Ask your daughter (what has happened), and then give me my cows." The father asked: "Why?" He said: "Just ask her!" He asked the girl, saying: "Girl, how is this? The man says he wants his cattle back!" She replied: "I don't know." The father said: "You cursed girl, tell me all about it!" So she told: "Yesterday I brought water, then he said: 'What is that water for?' That is the matter. Then I went out." The father said: "All right." The woman continued: "In the night he was troubled with hunger, therefore they went to steal corn; in the meantime I brought the food, and saw that they were gone. Is not that the matter? And then, when they were eating, one said to the other: 'Brother, what a big corn-ear you have!' Then I said: 'Here am I!' And he said: 'You cursed woman, loosen my cattle!' And I replied: 'Dear me, was it not you who refused yesterday saying: what is the water for?' Is not that the whole matter? I brought food, and he cursed!" After that the father of the girl said to the husband of his daughter: "Why did you steal? How is that? Restore me my corn which you have stolen!" [1] The man said: "Why? why was I left hungry?" The father only replied: "You are a thief! I will give you back your cattle." — When the husband heard that, he brought an ox for reconciliation, with that he reconciled, he reconciled his father-in-law, and so the matter was settled.

21. The Husband who wanted to cook.

Jal mɛ̄kɛ nɨ bɛ̀da gwɔgɔ; ka kɔ̄pa ɖāne gólɛ́ kine: ɛ́, nān, ya lɔ̄na ɟal![2] *Ka nane ɖachɔ ko: dɛ̀ch! Ka e ko: bɨ́h, ɟāl dɛ̄ch ɛ́n! ɖāɲ yiga máchwé yi ɟàl. Ká è ɟāɖɔ. Ka e kɛɖɔ, ka kwɔn lɛ́wɛ́, ka óbɛ́ɨ ɟwɔra mal, ka gɔ nɨ yárɛ̀, ka gɔ nɨ kɛ̄nɨ pań. Ka kwɔne chɛ̄gɔ, ka wiy pań rum yi pyɔn, ka kwɔn tɛ̄kɛ, ka lwɔl duɔ́n tɛ̄kɛ na-gɔl gɔn. Ka mɔn a gɛ̄pe wɔ́ɟɔ̀ɲɔ̀; ka e bɛ̀dɔ gɔn óbɛ́ɨ.*[3]

Ka gin cham e ɟum kí chàm, e bɛ̀dí yau, ka nan a ɖachɔ kɛta wɔk, ka pań nwālɛ, ka gɔ yɔ́dɛ́ e tɛ̄k, obɔi ɟwɔwɔ. Kine: bɔ́l, y ya tich adi? Ka nɨ butɔ pén, ka nɨ ɖwoɟa mal, ka nɨ gāyɔ, kine: bɨ́h, hɛ̀! Kwɔp a bań dwɛ̄gɔ̀. Ka na gɔl gɔn ko: á gin ɛ́nɛ̀? Kine: ɛ́, faɟe gin nɨ kwɔp! mī na-ɖāɲ, chwɔla: nɨ chwé chwɔla yi nɨ chām óbɛ́ɨ, ka ɟāla gin cham a tin, a tɛ̄ga obɔi pán. Kɛ́ɨ ɛni anan, dɛ chwɔla yin chwé yi obɛ́ɨ. A kɔ̄bɨ́ nan a ɖachɔ kine: wiy nāra, yi nɛ̀ke mgre nɔ chɔ́n? Ya fa dɛ̄ge ɟal kɛ̄te. Kɛ́ɨ ɛni anan; a ɖwoɟɨ́ nan a ɖachɔ mal, a ɟāɲe gin cham, a chámi, ka chwɛ́ɟ mɛnɛ̀.

A certain man was very thin, and he said to his wife: "I say, my wife, I will cook in place of you." The woman said: "All right!" He said (to himself): "Why, cooking is a good thing, a man grows fat from cooking." So he cooked.

[1] The man had — without knowing it — stolen the dura of his father-in-law.
[2] "I will come later", or: "do later, cooking": I will cook after, instead of you.
[3] He remained thinking of the foam.

583 and by the girl's *gol*. Payment of cattle may extend over many years and, until these payments are completed, the girl lives with her parents and her husband has to visit her there.

The bridewealth cattle go to the girl's *gol* leader, who is either her father, brother or paternal uncle. Pumphrey states that the maternal uncle only receives cattle if there are any arrears outstanding from the marriage of his sister, the girl's mother. Seligman quotes an instance in which 17 cattle were paid by a Dinka and of them 10 went directly to the girl's mother's family.

Marriage Ceremonies

584 If a girl receives a proposal of marriage from a suitor and accepts
585 him, the first step is to obtain the consent of the girl's *gol*. The acceptance of a sheep - the *dyel dhok* - by the girl's parents signifies that they consent to the engagement. According to Pumphrey, the marriage is regarded as valid and binding as soon as this has taken place, and children born to the couple are legitimate even if the cattle payments have not been completed.(1)

A beer-brewing and wedding dance at the bride's village follow and serve to publicise the marriage and express public approval and recognition. After the dance a long period may elapse during which the bridewealth is gradually paid off while the wife lives with her parents. The final ceremony, the *nogho thiek*, marks the separation of the wife from her parents' home and only takes place when all the bridewealth has been paid, or at least the major part of it. Sometimes a mock battle takes place in which the bride is symbolically seized by the groom's party.

There is no set order for the various stages in completing a marriage, for there are often complications, such as seduction or the inability of
[684] the man to pay the cattle and so forth. In cases of seduction the seduction fine has to be paid first and then the full bridewealth.

Divorce

586 If a wife refuses to live with her husband her parents have to return the bridewealth. Deductions are made for the children born of the union at the rate of two head of cattle for every son and five for each daughter. Similarly, if a woman marries another man, before the first suitor has paid all the bridewealth, the cattle which have been paid are given back, subject to the deductions for any children born, because, once the sheep has been accepted, any children of the union belong legally to their father.

587 If the wife dies her *gol* must either substitute an unmarried sister or give back the bridewealth, making deductions for children.

Sexual Offences

684 Fines for adultery are paid to the woman's husband. The amount varies,

(1) Pumphrey, *S.N.R.* Vol.XXIV, 1941, p.26.

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23.

Shilluk were perhaps more prosperous cattle-owners and the rates of bridewealth were higher.

There is in fact no evidence that the number of cattle paid as bridewealth was ever higher than ten, though it may have been so in the era preceding Turkish times. During the *Mahdia*, and for some time after, when the Shilluk had even less cattle than they have now, the transfer of more than two head as bridewealth seems to have been exceptional. But in the more prosperous period which followed, when cattle increased, there was an aftermath of claims dating back to marriages contracted at an earlier date. Some of these claims were upheld in the Courts established by the Government; a procedure which no doubt fostered the belief that the rate of ten head of cattle was unalterable and amounted to the enforcement of obligations which would not otherwise have been honoured. Latterly, the Administration has made attempts to reduce the bridewealth rate. At times in recent years, presumably after epidemics which have sometimes nearly halved the cattle population in the course of twelve months, ten head of cattle as bridewealth has been excessive, with varying results all naturally considered undesirable by the Administration. First, there has been a marked increase in litigation over bridewealth claims. Young men, having started the processes of marriage and made some initial payments of cattle, have then absconded with their brides and refused to honour further obligations. Second, since suitable husbands with sufficient cattle are not to be found, Shilluk girls, unable to marry the men of their choice, in an age when some degree of emancipation has been the result of alien government, tend to drift into the towns as concubines and prostitutes.[2] This process has an equally undesirable corollary. The young men, unable to marry, are more inclined to illicit love affairs, with the result that adultery has increased with a consequent rise in litigation. Finally, the Shilluk have taken to marrying their daughters to Nuer or Dinka who are easily able to find the ten head of cattle required. This process, though not necessarily undesirable in itself, has the effect of aggravating the position, because Shilluk men find it even harder to acquire wives. Without this absorption of Shilluk girls by intermarriage with other tribes or by the process of detribalization, their guardians might be prepared to accept smaller numbers of cattle as they undoubtedly did during the impoverished times of the *Mahdia*.

There have been many discussions, recorded in Government files, of the necessity for reducing the amount of bridewealth and it is clear that Shilluk chiefs and notables have themselves been acutely aware of the need to do so. Yet, despite resolutions made at Shilluk Council meetings, no alteration has in fact occurred.

Divorce and the Dissolution of Marriage

Divorce laws among the Shilluk are, in principle though not in detail, similar to those current among other Nilotic tribes. We must here distinguish between what may be called 'active divorce', when both parties are still living, and 'dissolution of legal union', which sometimes follows the death of the wife.

[2] Encouraged perhaps by the removal of customary deterrents. The 10th meeting of the Shilluk Council (1935) records: 'Chiefs are warned that the following customary "punishments" for a woman are forbidden and will be followed by imprisonment:
(1) Tying her up in a net and half drowning her.
(2) Tying her up outside at night for the mosquitos to bite her.
(3) Smoking her in a closed up house
(4) Sticking thorns up her finger nails.
The Government does not object to the lawful guardian of a woman or a girl giving her reasonable correction with the palm of his hand, or a light whip, but beating with a stick is also forbidden.'

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

●586 *Active Divorce*: This is simply known as *tag*: disputes over divorce which are frequently brought before the Courts being known as *guay tag*.

(*a*) If *A* marries *B* with ten head of cattle (or less) and a divorce is instituted, all cattle should be returned to *A* with the exception of one cow (in the past two) known [684] as *kwor kwob*. The expression *kwor kwob* is used generally in reference to all kinds of sexual offences in which rights in women are violated and, as will be seen later, implies that compensation should be paid. Since the union is terminated and *A* has renounced his rights in his wife, the Shilluk say he must pay something for taking her virginity. It also refers to loss of domestic assistance in the home, for Shilluk sometimes say that this deduction is *kiec mar*, which comes to mean 'compensation for services rendered in the home' and it is not considered necessary if the union is dissolved before the wife takes up residence with her husband. This deduction is still made even if the wife is to blame.

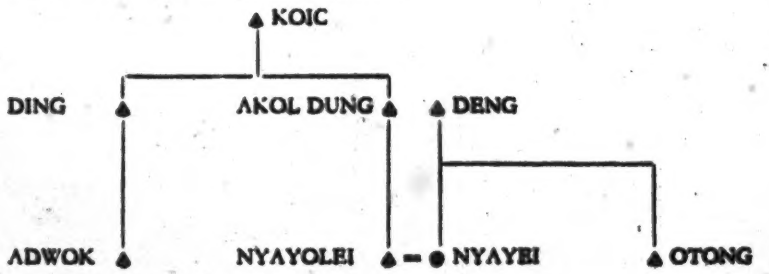
(*b*) *A* marries *B* and *B* produces children. Should a divorce follow, *A* can only claim return of his cattle after suitable deductions have been made for the children at the rate of five head of cattle for a girl and two for a boy. In such circumstances *kwor* [613] *kwob* or *kiec mar* would not be paid by the husband, who thus retains legal parenthood [848] of his children. Otherwise, as will be seen later, the children would become *okujo* (illegitimate) and belong to the wife's lineage.

586 Two examples show the way in which such disputes are nowadays dealt with by
69 the Courts.

Kak *wad* Banykwec *v.* Anyang *wad* Dwalo (1949)

[583] Kak married Anyang's daughter Nyabony for ten head of cattle, ten sheep and £E2.500m/ms. in cash. One child was born of the union and, at the time of dispute, was about three years old. Nyabony then eloped with another man and Kak claimed the return of his cattle and other bridewealth. Anyang had already paid everything back with the exception of two cattle which he claimed should stand as legitimization fees for the child. The Court, however, held that the legitimization fees were covered by the offspring of the original cattle which Anyang had not returned to Kak and which Kak was not in fact claiming. No deductions were deemed necessary as *kiec mar* was claimable by Nyabony's family in any case.

Adwok *wad* Deng *v.* Otong *wad* Deng (1949)



[583] Nyayolei (deceased) married Nyayei for eight head of cattle, sixteen sheep and goats, eleven baskets of grain and .500m/ms. in cash. The marriage took place in *1918* Fadiet's time

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

(*circa* 1915) Nyayei bore no children and ran away with another man. All the cattle have been returned since then, but not the sheep and the goats nor the grain. Adwok then claimed one bull in place of the grain. The Court in the final instance decided against Adwok on the grounds that no cattle as *kwor kwob* (*kiec mac*) had been retained by Otong and the sheep, goats, grain and cash must be held to represent them.

Dissolution of Marriage owing to the Death of the Wife

This is known as *tay jiok*.[1] Pumphrey says:

Where a marriage is terminated by the death of the wife, her *gol* must either present to the husband an unmarried sister known as *kai ot*, or they must return the cattle (or their equivalent in similar animals), making deductions for the children born of the marriage and living at the time of their mother's death.[2]

This statement requires qualification:

(*a*) If the wife dies soon after marriage and without issue, all cattle should be returned to the husband or, in some cases, another girl from her family might be given to replace her. The Shilluk refer to this as *kai ot*, which, as Pumphrey states, means literally 'substitute of the house'.

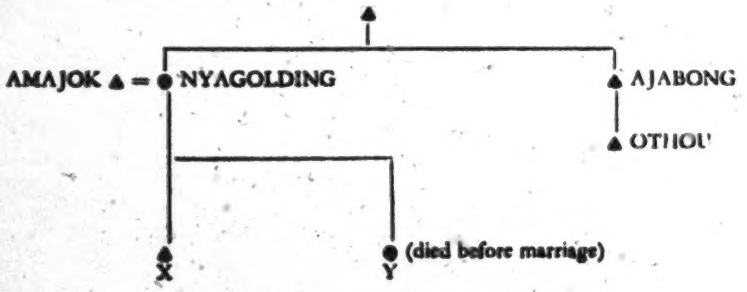
(*b*) If the wife dies a long time after marriage and after giving birth to children, thereby fulfilling her procreative obligations to her husband, *kai ot* may still be claimed, but is recognized as being only two head of cattle. *Kai ot* in this sense is intended to assist the husband to marry again, but it is often claimed, not by the husband, but by the wife's male children many years after her death. In fact, it frequently happens that a man claims *kai ot* on the death of his mother or of his father's wives. It is also a subject of frequent litigation in the Courts.

(*c*) If the wife dies in childbirth, the child dies too, and she leaves no other children, then all cattle should be returned with the exception of two known as *dhok wic dan* or *dhok remo*. *Dhok wic dan* means literally 'cattle in the place of children' while *dhok remo* means 'cattle of blood'.

It should be noted that the deduction known as *kwor kwob* would not be claimed in addition to *dhok remo*, and only applies if no children are born to the wife.

The following disputes settled before the Court provide examples:

Amajok *wad* Deng *v.* Othou *wad* Ajabong



[1] *Jiok* means God: hence dissolution by act of God.
[2] Pumphrey, op. cit., p. 32.

8:Howell E-4,5 (1937, 1948) 1953 . FJ23 Shilluk FJ23

69 Amajok married Nyagolding for ten head of cattle and ten sheep. Nyagolding gave birth
586 to two children who died as adults, while she herself died some twenty-eight years ago. No cattle were returned to Amajok on her death and no claim was made so long as *X* and *Y* were living. Amajok now claims *kai ot* from Othou. This claim was upheld by the Court and two head of cattle awarded to Amajok. It is, as a matter of fact, unlikely that Amajok would have claimed *kai ot* if his daughter *Y* had lived and married, though *X* might have done so.

Anger *wad* Nyang *v.* Kanker *wad* Ming

[583] Anger married Kanker's sister, Aciethgwok, for eight head of cattle and five sheep. This was in *reth* Fadiet's time (*circa* 1909). Aciethgwok died in childbirth leaving no other children. Kanker returned six cattle and all the sheep. Anger (in 1949) then claimed the return of the remaining cattle. This claim, made some forty years after the event, was regarded by the Court as a frivolous one. It was held that the two head of cattle stood as *dhok rumo*, to which Kanker had undisputable right.

586 *Kai ot* therefore has various meanings, the most precise being another daughter of
587 the dead wife's house handed over by her family as a 'substitute'. The custom is not
[613] confined to the husband as an individual, but applies to his kinship group, for Shilluk say that a girl might be handed over as *kai ot* even in a later generation, if no bride-wealth had been returned in the interim. Again, if the wife died after fulfilling her procreative obligations, her family might allow the widower to marry her sister at a reduced bridewealth (eight head of cattle instead of ten). This, however, is really only an application of the general rule that *kai ot* (here meaning a payment of cattle) can be claimed by a man from his maternal uncle when his mother dies, provided she dies
[591] at a ripe old age and has borne several children. In this sense *kai ot* does not depend on the termination of the union, but is rather confirmation thereof and is not paid unless the two lineages wish to maintain the close relationship which marriage in a previous generation has secured. This claim is now nearly always upheld in the Courts
[198] and provides an example of how a payment depending on a variety of circumstances has become enforceable at law.

Further Rules Concerning Cattle Returnable on Divorce

586 Shilluk sometimes say that in the old days on divorce all the original bridewealth cattle and all their offspring were returned. There is little evidence for this statement and the rule is certainly not applied today. The wife's kinsmen are not expected to return any cattle which have died in their possession, though they may be expected to produce the hides as evidence of death. On the other hand, cattle which have been sold for cash, slaughtered for meat, or paid in execution of debts (other than direct marriage) or as compensation for wrongs committed, must be replaced by substitutes.

Writing on this subject in 1935, Pumphrey says:

583 Cattle paid as marriage payments in Shilluk country are an exact substitute for cash in that
586 they are treated as negotiable instruments. A claim for the identical cows when, owing to divorce or death, the marriage payment is reclaimed, is never supported. Cattle paid are in fact usually negotiated immediately, just as cash. The recipient will almost invariably pay the cattle away either in satisfaction of his debts or else in the marriage of one of his near male relatives.[1]

[1] Pumphrey: from unpublished records.

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

An analysis of Shilluk marriages has shown that many cattle which should be retained for bridewealth to be used by the bride's male kinsmen are, in fact, frequently paid away as debts, or slaughtered, or sold to obtain cash in times of famine. This is perhaps natural among the Shilluk, who have to place greater reliance on an agricultural economy, but whose agricultural activities are no more productive or reliable than are those in other parts of the Nilotic area.[1]

Pumphrey goes on to say,

> accordingly it seldom occurs that, owing to the death of all the original marriage cattle, the wife's relatives become interested in the breaking up of the marriage. Possibly as a safeguard against this very contingency the Shilluk have a custom which compels the bridegroom, during the first three or four years of his marrige, to replace by living cattle any of the original cattle he paid as bridewealth which may die in the interim.[2]

It is not clear, however, at what stage of marriage the bridegroom is absolved from this responsibility. Some Shilluk say that it no longer applies when the marriage is finally confirmed by the birth of a child and the bride's change of residence.

Pumphrey adds that:

> It is a natural corollary of all this, that the progeny of the marriage cattle are not reclaimed. The claim is for a roughly equivalent amount of cattle. This amount will vary according to the number of children borne to the man by the wife.[3]

The Legitimacy of Children

With regard to the legitimacy of children in case of divorce, we hear that, 'the children born of the dissolved marriage are legitimate irrespective of the smallness of the cattle payments and of the fact that the marriage was short-lived'.[4] Pumphrey mentions, not here but later, that a certain number of cattle must remain with the wife's family if the ex-husband is to retain legal parenthood of these children. If these deductions are not made, the children are automatically classed as *okeijo*.

On this subject Pumphrey says,

> If the wife had produced sufficient children to wipe off the whole bridewealth, the husband will be entitled to receive nothing upon the termination of the marriage, except that . . . if the marriage has been broken through his wife's bad behaviour the husband may be awarded the return of at least a part.[5]

My own investigations lead me to believe that this statement is incorrect, at any rate according to the principles of Shilluk law, for although a husband may be so exasperated by the conduct of his wife as to demand return of all his bridewealth cattle, he can only do so by waiving all legal rights in the children of the union, and he is unlikely to do this.

Among the Shilluk these questions arise principally in connexion with subsequent rights in the bridewealth cattle of a daughter. The question of nomenclature, impor-

[1] Crop production in Shilluk country is unreliable and erratic because the soil on the high ground in the immediate vicinity of the villages is exhausted, while the land in the hinterland is subject to flood owing to poor drainage.

[2] Pumphrey: unpublished records.

[3] Ibid.

[4] Pumphrey, op. cit., p. 26.

[5] Ibid., p. 33.

8:Howell E-4.5 (1937, 1948) 1953 FJ23 Shilluk FJ23

This also applies to a girl who (on Pumphrey's definition) is already technically married, but still living in her father's home. The seduction of a girl in this condition (which I prefer to call betrothal) by an outsider is not considered a more serious offence than seduction of a girl who has not been bespoken. In such circumstances, too, the compensation is the recognized right of her father or legal guardian and not of her so-called husband. It is true that the latter will usually be expected to collect the compensation and to take action either directly or through the agency of the Courts, but he will ultimately hand over the ox to the girl's father. Seduction of a girl in these circumstances is not therefore adultery in the legal sense.

Seduction, whether of an unbetrothed or of a betrothed girl, if followed by pregnancy, is considered a more serious offence and demands a higher rate of compensation, which again is claimed as the right of the girl's father. This is known as *kwor yar nien ajur* and is nowadays fixed at three head of cattle.[1] Again, in the case of an unbetrothed girl, her own kinsmen will take action, but if the girl is betrothed, her future bridegroom will take up the matter on behalf of her family.

An act of adultery with a wife (in the full legal sense) demands an indemnity of two head of cattle (*kwor kwob cie dhano*) payable to her husband.

The impregnation of a married woman (in the full legal sense) is a much more serious offence and the recognized compensation is four head of cattle[2]—*kwor yac cie dhano* or *kwor yac cie ot*. The cattle are claimed by the woman's legal husband who will retain them unless there is a divorce, in which case they go to her kinsmen. In fact they would be deducted from the cattle which the wife's kinsmen should return to the husband on divorce and it is unlikely that he would hand them over, especially if they had been paid a long time before.[3]

If a divorce follows the offence the child will normally become *okeljo* (unless legitimization fees are paid) and will be brought up by its mother's kinsmen. Otherwise, children born of adultery belong to the legal husband, even if the wife leaves him to live with her lover.

Adultery with the Wives of Kinsmen

As among other Nilotic tribes, the exaction of compensation usually depends on the relationship between the husband and the woman's lover. Pumphrey says,

> No *kwor* is payable where a man has relations with the wife of his brother or his father. In fact, little resentment is felt in such cases, especially if the offender is unmarried, the realistic view prevailing that it is better so than that he should incur cattle payments by exploits elsewhere.

This statement is substantially correct, though it must be realized that it does not imply that there is anything in the nature of the right of access to each other's wives by close kinsmen.[4] It is forbidden for two (uterine) brothers to cohabit with the

[1] Shilluk say that it was seven head in the time of *reth* Kur (1903).

[2] Shilluk say that the number demanded in the past was eight.

[3] Unlike the Nuer and Dinka, there is no limit to the number of times a man may demand compensation for the adultery of his wife. Moreover, if several men are concerned, compensation is demanded in full from each. This does not apply if a child is born, as here only one man can be held responsible, and it is said that the woman will sometimes be prevailed upon to name the richest of her lovers.

[4] As suggested by Hofmayr.

182 583 591 her. The inconvenience of this arrangement acts as a spur to the husband to complete the payments as quickly as possible in order to get his wife home to do the cooking.

585 848 Thus a marriage tie is complete as soon as the proffered sheep has been accepted, the cattle payments being in the nature of a concomitant transaction. Accordingly children born after the marriage tie is complete are legitimate, irrespective of a possible deficiency in cattle payments. The criterion of legitimacy, a question often in dispute, is not the sufficiency of the cattle payments but the acceptance or otherwise of the proffered sheep. Incidentally if the wedding dance is proved to have been held this is usually sufficient proof of the acceptance of the sheep, so that the question at issue is usually whether or not the wedding dance was held. Naturally evidence about this, which is a function attended by a large gathering, is usually forthcoming.

585 [684] It is not always so, however, particularly where the marriage under dispute occurred some twenty years previously. In such circumstances if it is proved as a fact that more than four head of cattle have been paid then, since four head of cattle is the maximum payable for seduction, a strong presumption is raised that the union was a true marriage. Analogously a contrary presumption is raised if it appears that not more than one or two head have been paid, a presumption which would be rebutted only by proof that a wedding dance has been held.

586 [848] A marriage in which only a few head of cattle are paid is often dissolved since the woman's *gol* are apt to get tired of waiting and to marry her to another man. In such case the children born of the dissolved marriage are legitimate irrespective of the smallness of the cattle payments and of the fact that the marriage was short-lived. This question will receive a more detailed consideration later.

Customs Surrounding Marriage.

586 [578] Surrounding the elements necessary to the creation of the marriage tie is a mass of traditional procedure which serves to solemnise and make marriage as permanent as may be. Divorce entails a chain of acrimonious litigation not only wearisome to the litigants but likely to cause family disruption.

17: Pumphrey G-5 (1934-1938) 1941
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cause family disruption. It is therefore to be avoided if possible, and it is to this end that most of the marriage customs exist.

Freedom of choice is generally allowed to both sexes. Only when cattle are urgently required does a father sometimes marry off his daughter under age, probably to a Dinka who will usually be willing to pay ten head of cattle since his own dowry payment is much larger. The usual procedure is for the girl first to be asked by her admirer whether she will marry him. If she agrees, she will then tell her *gol* leader of the proposal. This may be the first intimation her family has, and there will be a hasty consideration of prospects. If the husband is acceptable he will be told to bring a sheep (the *dyel dhok*). At once he will don his finery, as also will the best man,[31] and the pair will proffer the sheep. If it is accepted the wedding dance will follow closely and the cattle will be brought thereafter by the best man as circumstances permit. If they are readily available about eight will be brought soon after the wedding dance and the remaining two will remain over until a final dance (*mogho thick*) has been held in the bride's village. At this dance neither the bride nor the bridegroom dance. The bridgegroom sits in a house apart with the best man and the bride remains with her family. It is said that sometimes the bridegroom "calls out" the bride, in which case the best man dances with the bride and the bridegroom with the bridesmaid[32]. The bride's maid is a girl friend of the bride who acts as go-between in the frequent elopments which occur after the acceptance of the sheep and before the final dance. Such elopments are regarded lightly by the bride's *gol* who are usually pacified by the present of another sheep, but who nevertheless retrieve their daughter if they can.

The best man is the bridegroom's friend who often accompanies him on a journey to spy out the land for a desirable wife and who, as already mentioned, goes with him to proffer the sheep. Once the sheep is accepted the wife's *gol* appoint also their *jal tong* and it is through these intermediaries that all haggling over cattle is conducted.

31. *Jal tong*, meaning literally "man of the spear."

32. *Nya dhey tong*, meaning literally "young woman of the spear."

585 A poor quality animal will be rejected by the *fal tong* of the bride's family who will request the best man to bring a better. In a sense these intermediaries act as solicitors of the contracting parties, and [182] by their mediation reduce friction which might lead to a breach of the marriage.

The *mogho thieh* is the final ceremony marking the separation of the wife from her own clan, and sometimes ends with a mock battle resulting in the "violent" removal of the bride by the kinsmen of the bridegroom. The bridegroom's party throw spears into the village of the bride and her relations reply with an answering shower, each side keeping the other's spears. After this mock battle the bride goes to [591] the village of the bridegroom. The remaining two or three head of cattle will soon be brought and the transaction is then complete. The last bull is sometimes known as *wanh thieh*.

The above is a description of a marriage in which no hitch has occurred. Often the sequence of events is entirely different. For [831 example an original seduction often eventuates in a marriage, in which 684] case the seduction payment is payable first and the marriage payment after (and over and above) it. In such cases also the marriage dates from the acceptance of the sheep and it is improbable that the girls' family will accept it until the seduction payment is complete. Again some marriages drag on interminably because the bridegroom's *gol* does not produce cattle. In such cases the wife's *gol* sometimes tire [586] of waiting and end the marriage by marrying her to another, in which case the disappointed husband is entitled to recover any cattle he has paid. At other times, if the husband is acceptable to the woman's *gol* or if, as often happens, they know that the girl is so fond of her lover that all attempts to marry her elsewhere will fail they accept the marriage and content themselves by waiting until a daughter of the marriage is married, when they will claim from her bride wealth the number of cattle remaining in arrears from the bride wealth of her mother.

583 Generally the cattle payments go all to the *gol* leader of the woman, be he her father, brother, or uncle. Professor Seligmann was at pains to discover how the cattle were divided among the relatives of the wife, and especially what was the share of the maternal uncle. In fact

17: Pumphrey G-5 (1934-1938) 1941
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182 582 607 613 835 there develops a tendency for *pac* A (to refer again to the diagram above) to marry women of *pac* X. Men of *pac* A will therefore have ready access to the unmarried girls of *pac* X, as, similarly, will men of *pac* X have ready access to the unmarried girls of their *pa ora*, P. Now if a man of *pac* A seduces a girl of *pac* P it naturally annoys the men of *pac* X who regard *pac* P girls as in some sense their prerogative.

Dwalo is thus a good example of a religious sanction harnessed to the service of social expediency. Without doubt, although no Shilluk volunteered the explanation, the *dwalo* taboo has developed from the consciousness that seduction must be rigorously discouraged where it would imperil good relations between *ora*.

DIVORCE.

768 [584] The verb *tang* is used for the breaking of a marriage, whether owing to the death of the wife or to her refusal to live with her husband. Cases where the wife dies are naturally less acrimonious than those of the other kind and will be considered first.

583 768 [587] Where a marriage is terminated by the death of the wife, her *gol* must either present to the husband an unmarried sister as *kwi ot*,[38] or they must return the cattle (or their equivalent in similar animals) making deductions for children born of the marriage and living at the time of their mother's death. These deductions are generally at the rate of two head for each son and five for each daughter, the children of course going to their father. Thus a husband who has paid the full bride wealth of ten head and has a son and a daughter alive and born of the marriage can reclaim only three head of cattle.

586 Cases resulting from the refusal of the wife to cohabit with her husband may be more properly described as cases of divorce. Divorce in this sense results not from any act of the parties but from a state of affairs judicially recognised as warranting the return to the husband of the bride wealth, with or without suitable deductions for children born. Deductions are usually made, but if it is held that the behaviour of the wife has been particularly blame-worthy the husband is sometimes

38. Literally "substitute of the house."

17: Pumphrey G-5 (1934-1938) 1941
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awarded the return of his cattle in full together with the custody of the children. The only cases where divorce may be said to result from an act of the parties is where the cattle have not yet fully been paid and the wife is in consequence still in her own village. In this case if the wife's *gol* despair of the full bride wealth ever being paid they may call off the marriage and marry her to another. In this case the first husband must be repaid the equivalent of the cattle paid by him and this repayment should be made a first charge on the new bride wealth. Deductions will be made here also for children born, for even in such cases the children will go to the husband, provided always that the proffered sheep has been accepted.

If the wife had produced sufficient children to wipe off the whole bride wealth the husband will be entitled to receive nothing upon termination of the marriage, except that as has been said if the marriage has been broken through the wife's bad behaviour the husband may be awarded the return of at least a part.

Until about 1910 upon a breach of marriage the wife's *gol* had to return not only all the identical cattle paid which were still living but also all their living offspring, quite irrespective of their having passed lawfully into the possession of others. Thus divorce produced a string of litigation horrible to imagine. This state of affairs still persists with some of the Dinka of Equatoria Province. It may have the social merit of making divorce even more unpleasant in its consequences for all concerned, but it possesses also many obvious disadvantages which led to the change made by the Resident of the Shilluk in about 1910. Thereafter equivalent cattle were to suffice and offspring born after payment were not reclaimable. This change has been accepted by the Shilluk though there are still cases where reactionary chiefs go by the old rules. The change had the effect of rendering cattle negotiable instruments.

Compensatory Payments in Sexual Offences.

The generic word for cattle payments in respect of sexual offences is *kwor*. *Kwor* is payable to the *gol* of the woman concerned if she is unmarried or still living with her own *gol* and to the husband if she is

29:Dempsey M-5 (1940-1954) 1955
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admire on account of its ingenuity and plausibility, will bring forward a cloud of witnesses to support his statements and with an air of 'that's my story and it's sticking to me' implicitly challenge the court to disprove it or his opponent to go one better. And if perchance his version of the facts of the case is shown to be the reverse of reality and his witnesses are confounded and made to contradict one another, no one is shocked at such blatant falsehood; the onlookers rather are disgusted at the poor show he has put up and at the poor staff work which has permitted the witnesses to be caught out.

Most of the cases which are brought before the native courts are concerned with the ownership of cattle. They are usually claims for cows to replace the original units of a dowry which have died, or for the return of cattle which have been paid with a view to a marriage which for some reason or another has not taken place, or which, if ratified, has been broken up owing to the sterility or the unfaithfulness of the woman. Such cases are tremendously involved and intricate, and only a Shilluk well versed as he is in his tribal laws and customs can possibly follow them. For instance a Shilluk often starts paying cattle for a bride whilst she is still a child, and six or seven years must elapse before she is of marriageable age. The prospective husband may leave the country, having as it were 'staked a claim', only to return later to find that the girl's father has bestowed her on another suitor. The disappointed swain at once demands his cows back but these are beyond recall, having long since been dispersed throughout the country as parts of other dowries. There are, it is true, some cattle left of the second dowry, but no Shilluk worth his salt will easily part with cattle which have once come into the family byre in prompt settlement of a mere debt. So the father puts the angry man off with soft words and fair promises, and then another spanner is thrown into the works; the daughter is ignominiously returned for some reason or other and suitor number two requires that his dowry be returned. Father hopefully offers the rejected daughter to her former suitor,

29:Dempsey M-5 (1940-1954) 1955
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until at least seven cows have been paid. When that number has been safely gathered into the family byre, the love-lorn swain may indeed claim his blushing bride, but if after that the payment of the remainder be unduly delayed, the indignant father and the male relatives of the lady will not hesitate to carry her off to her former home till what time the final instalments are forthcoming, or even, if there is little or no prospect of the debt being speedily paid, of offering her anew to one more likely to fulfil his obligations.

But even when the last cow has been handed over; when the somewhat bewildered ox, garlanded and decorated, has been escorted to the bride's village by a cheering and singing mob of the bridegroom's friends; when the mock battle has taken place during which the bride's party endeavours to and eventually succeeds in wresting the cow from the hands of the groom's partisans; when they in turn have stormed the paternal stronghold, and carrying off the lady have delivered her into the arms of her ever-loving husband; when the last dance has been danced and the final bumper quaffed, still the young husband's bovine anxieties are not completely at rest. A murrain might sweep the land and claim one or more of his cattle among its victims, and the law demands that they be replaced, or else he may find himself a grass widower. And if perchance the replacements should die, then others must be forthcoming within a reasonable period of time, that the total may be kept complete. Failure to comply with these demands may mean that the District Chief may order that the unhappy man's wife and children 'be sold and payment be made'. This quite literally happened at Detwok; a man had been married for ten years and had three children; he had paid only seven head of cattle and of these three had died, so that he still owed six. His family was taken from him and given to another man who was able to pay the required cattle. Fortunately, in this case the mission was able to step in. It was a Christian family and the marriage had been solemnized in church according to the requirements of both God and the Government. The priest told the chief that he could not ruthlessly

29:Dempsey M-5 (1940-1954) 1955
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583 break up a Christian family in that manner, and that if the
586 woman and children were not returned to their home within
686 three days, the matter would be taken to the king. Happily
997 we were on safe ground in threatening this. A short time before there had been a similar case in Lul where a Christian family was concerned and the Fathers had protested successfully to the king, who ordered the family to be returned. The chief, hearing this, gave in gracefully and the woman and children were brought back.

583 And what of the happy father of the bride? Does he
602 assume the airs and authority of a cattle baron at thus being enriched by ten cows? Poor old father, alas, will be fortunate if he gets one or two of the dowry to call his own. He does, indeed, as befitting his dignity as head of the family, receive the cattle, but the same family will take very good care that they do not remain long in the paternal shippon. He probably has growing sons hungry for cattle to build up their own dowries, but if it should happen that the Lord has not blessed him with male issue, his own unmarried brothers will clamour for their share; his wife's strident voice will be heard advancing the claims of her brothers; uncles and nephews and in-laws will take up the cry, some in strong, others in less certain terms according to their proximity to or remoteness from the immediate family circle, and the dispute will continue until the final settlement is made and the cows are dispersed to the remotest parts of the land. One thing is sure, and that is that if anyone suffers from the division of the spoils it will be father. In the course of a
231 few years the cattle of a dowry will have changed hands several times, having been split up and absorbed into other herds, again and again handed over as part of a bride-price, and again and again finding new owners among some girl's relatives, ranging the length and breadth of the Shilluk country and back again, shifting and changing, being collected and dispersed, only to be collected and dispersed again. And so it will go on until an individual cow is deemed no longer worthy of inclusion in a dowry, when it will be sold for butcher's meat or slaughtered for a wedding or a

29:Dempsey M-5 (1940-1954) 1955
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funeral or some such occasion calling for special feasting. 231
It would tax the ingenuity of a European to devise a system, and keep a battery of clerks in constant employment and a filing cabinet in constant use to keep an up-to-date check on the wanderings of the various animals of any one bride-herd. Not so with the simple Shilluk however. Inside his woolly [181]
head—admittedly not particularly concerned with anything that does not pertain to cattle—he keeps all the details of each individual cow in his herd. He knows all their comings in and goings out, all their risings up and their sittings down. Each cow has a special and distinctive colour and each colour a special and distinctive name and he knows them all and can describe them in detail. He can tell you offhand the life history of any cow; its previous owners as it passed from dowry to dowry eventually to become a member of his, and when he has parted with it, he follows its subsequent career with unflagging interest, can name the various people who have had it since it left his ownership and knows just where it can be found at any given time.

Our young benedict is now happily married and settled 593
down to a life of connubial bliss. But among the Shilluk, as among their more sophisticated Western brethren, the course of true love does not always run smooth. The lady, who in the eyes of her lord is a mere chattel, something that he has [562]
bargained and paid for, must prove that she is up to standard. Not indeed that a Shilluk wife becomes the absolute slave of her husband, bearing all the burdens of the day and the heats, while he passes the rest of his days in slothful idleness. Far from it. Both have their recognised duties and one will [462]
assist the other should occasion call for it; thus the wife will at times assist her husband with the planting, weeding and reaping, whilst he does not consider it beneath his dignity to nurse the baby while his spouse is making the daily trip to the river for water, or to sit for hours monotonously agitating a gourd of milk in the hope that eventually it will turn into butter. But the primary duty of a Shilluk wife is to become a 586
Shilluk mother, and if perchance she proved to be barren

29:Dempsey M-5 (1940-1954) 1955
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[586] she would be ignominiously bundled off home. The husband, like an indignant customer who has made an unsatisfactory purchase, would demand his dowry back. The girl's [578] family would strenuously resist the claim and a long and acrimonious dispute would follow. The husband might [592] attempt to recover his cattle by force, and eventually the case would be settled by the Reth's court; a compromise would be reached, judgment would be given for the plaintiff, but one or two cows would remain with the girl's family, and so would the unfortunate girl herself. Similarly, should the young bride die childless, the contract is deemed not to have been fulfilled, and the husband will demand that the bride wealth be returned to him. If the lady, faithless jade, should leave her lawful spouse for another man, the outraged husband does not leap up in righteous anger, seize his spear, pursue the erring couple and demand satisfaction of the seducer of his wife's affections, but he does make a bee-line for his father-in-law's kraal, and in the height of his wrath will demand not only the cattle, but also the sheep, spears and hoes and all the other little trinkets and knick-knacks with which he won the family's good graces during time of courtship. Father, anxious to keep the peace and the cattle, [587] may offer his irate son-in-law another charming daughter, if he has one handy, as a substitute for the fickle one. But if such a useful article as a second daughter of marriageable age is lacking, or the husband, feeling that his matrimonial adventures in that particular family have gone far enough, should refuse the hand of the second lady, then father with a sigh will have to set about the difficult task of making his reluctant relatives give up their respective shares of the dowry and, at the same time, the equally difficult task of getting another dowry from his new son-in-law.

797 In Detwok a boy was being examined in the Catechism
587 prior to his baptism. The subject under discussion was the Sacraments and their division into those which may be received only once and those which may be repeated. All went well until the subject of Matrimony was reached. 'How often can a person receive the Sacrament of Matri-